

Subcommittee on Communications, Technology and the Internet Hearing

Bipartisan Staff Discussion Draft of the Public Safety Broadband Act of 2010, and H.R. 4829, the Next Generation 911 Preservation Act of 2010

□

June 17, 2010

Today we consider steps the Congress can take to facilitate the creation of a nationwide interoperable broadband network for the public safety community.

As the terrorist attacks on 9/11 and natural disasters like Hurricane Katrina starkly revealed, there are serious obstacles that prevent fire, police and rescue personnel from one locality from communicating with first responders from other localities when they converge on the scene of a disaster.

In some instances, fire, police and rescue personnel in a single locality may lack a means of interoperable communications one with another.

There is a widely understood need to create a fully interoperable first responder network, but as of today that network remains a goal; it is not a reality.

On a bipartisan basis the Members of this Committee are determined to address this challenge and take the necessary legislative steps to make the first responder network a reality.

In bipartisan cooperation our staffs have assembled a discussion draft of legislation that spells out those necessary steps.

Our focus this morning is on that discussion draft.

The largest single challenge to creating the first responder network is identifying and obtaining the funding needed for buying, installing, operating and maintaining the equipment that will provide broadband communications.

The National Broadband Plan estimates that cost to be between \$12 billion and \$16 billion over 10 years.

The discussion draft directs that the D Block be auctioned and that the proceeds from that auction and the auction of several other spectrum blocks be applied to the build-out and upkeep costs of the first responder network.

The draft authorizes general fund appropriations to cover any shortfall between the cost of the network and the auction proceeds.

A strong federal government role in funding the network build-out as detailed in the discussion draft will be essential if a true nationwide network is to be realized.

In rural areas in particular the localities will have great difficulty affording the build-out costs in the absence of federal government financial participation in funding these costs.

The bipartisan legislative draft acknowledges and accommodates that reality.

The discussion draft also recognizes the 24 MHz of 700 Band spectrum already held by the public safety community. This current spectrum holding was deemed adequate by the FCC's analysis for the nationwide broadband first responders network.

But some have proposed a different path forward than the bipartisan staff discussion draft. They would give the D Block to public safety, to be combined with public safety's existing spectrum holdings. The most significant shortcoming of this option is that it would not provide any funding for building out public safety's network.

While some contend that public safety could lease parts of the D Block to commercial entities and apply the revenue from the leases to build out, maintenance and operational costs, I question whether sufficient revenue from leasing could be realized, particularly in rural areas, to assure funding of the network costs.

And it is the rural build-out costs that may prove most challenging for local governments to fund.

The option of giving the D Block to public safety would also require that Congress find offsets for the D Block's value.

While we do not know with certainty what value the CBO would assign to the D Block, current estimates place it between \$2 and \$3 billion. That is money Congress would have to find before a single penny could be spent on constructing the network.

We have an historic opportunity to make our Nation more secure and give our first responders a crucial tool they urgently need. I urge all members to keep this goal in mind as we consider how best to proceed, and I expect we will receive thoughtful analysis from today's panel of witnesses.

We will also at today's hearing consider H.R. 4829, the "Next Generation 911 Preservation Act of 2010," which was introduced by our colleagues Ms. Eshoo of California and Mr. Shimkus of Illinois. This measure would reauthorize the Enhance 9-1-1 Act of 2004 and facilitate the migration of today's enhanced 911 emergency communications systems to IP-based systems known as Next Generation 911, which can support multimedia communications such as text, e-mail, and video.

Thanks to our witnesses for being here today, and I look forward to your thoughtful analysis. I also want to thank all Members for working on a bipartisan basis on the discussion draft of the Public Safety Broadband Act of 2010.